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REMARKS

Claims 4, 6, and 9-21 remain in the application including independent claims 4, 6, 9, 16, and 17. Claims 6 and 16 are allowed. Claims 1-3, 5, 7, and 8 have been cancelled.

In the amendment submitted January 13, 2003, Applicant cancelled claims 1-3, 5, 7, and 8 and amended claims 4, 6, 16, and 17 into independent form to include all limitations of the base claim and any intervening claims. The claims were also amended to address the examiner's new 35 U.S.C. 112 rejections, which were presented for the first time under final. The examiner has refused to enter the amendment because the amendment raises "new issues that require further consideration."

In response to the Advisory Action of January 27, 2003, Applicant has amended claims 4 and 17 to include the word "solely." The examiner argued that applicant changed the limitation of "a single retainer clip solely attached to said mounting member" to "a single retainer clip attached to said mounting member." Applicant made this change in response to examiner's 35 U.S.C. 112, second paragraph, rejection. The examiner argued that the phrase "attached solely to said mounting member" was incorrect because the clip is also attached to the pin ends. In response to this rejection, Applicant removed the word solely but now the examiner is arguing that this raises "new issues that require further consideration."

Applicant fails to see how this raises new issues that require further consideration as original claim 1 did not include this feature. However, in order to facilitate this issue, Applicant has amended claims 4 and 17 to include the word "solely." Further, in response to the examiner's 35 U.S.C. 112 rejection, Applicant would like to point out that claim 4 includes the language "a single retainer clip attached solely to said mounting member and cooperating with both of said pin ends to

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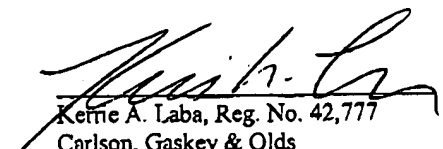
maintain proper shoe orientation." The clip is attached to the mounting member but is not "attached" to the pins. The clip cooperates with the pins to maintain proper shoe orientation. Thus, Applicant requests that the 35 U.S.C. 112, second paragraph, rejection be withdrawn.

Claim 4 has been amended to include the identical language of claims 2 and 3 (a pair of legs extending outwardly from opposite ends of said base portion to support said anchor pin with said pin ends being supported by said legs). Claim 4 was dependent from claim 3, which was dependent from claim 2, which was dependent from claim 1. The language "to support said pin ends," which the examiner argues "raises new issues that require further consideration," is clearly found in original claim 3, which stated "wherein said pin ends are supported by said legs."

Thus, both claims 4 and 17 have been re-written in independent form to include all of the limitations of the base claim and any intervening claims. Applicant respectfully requests that this amendment and the amendment of January 13, 2003 now be entered, so that issues can be simplified for appeal. If the examiner refuses to enter these amendments, Applicant respectfully requests a telephone interview with the examiner and examiner's supervisor.

Applicant believes no additional fees are due, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees, or credit the account for any overpayment.

Respectfully submitted,



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Dated: January 31, 2003

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CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States patent and Trademark Office, fax number (703) 305-7687, on January 13, 2003.



Laura Combs

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APPENDIX A
Claims

(Version With Markings to Show Changes Made)

4. (Third Amendment) A brake shoe assembly comprising:

a brake spider;

a mounting member supported on said brake spider and including an arcuate surface for supporting a brake lining;

an anchor pin pivotally mounting one end of said mounting member to said brake spider, said anchor pin including a cylindrical body with a pair of pin ends extending in opposite directions from said body to define a pivot axis; and

a single retainer clip attached solely to said mounting member and cooperating with both of said pin ends to maintain proper shoe orientation, said retainer clip including a base portion with a connector portion and a pair of legs extending outwardly from opposite ends of said base portion to support said anchor pin with said pin ends being supported by said legs wherein said retainer clip, said anchor pin, and said mounting member are all rotated about said pivot axis during brake actuation.

17. (Twice Amended) A brake shoe assembly comprising:

a brake spider;

a mounting member supported on said brake spider and including an arcuate surface for supporting a brake lining;

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an anchor pin pivotally mounting one end of said mounting member to said brake, said anchor pin including a cylindrical body with a pair of pin ends extending in opposite directions from said body ; and

a single retainer clip attached solely to said mounting member and cooperating with both of said pin ends to maintain proper shoe orientation wherein said retainer clip, said anchor pin, and said mounting member are all pivotable about a common pivot axis to maintain proper shoe orientation independently from a second brake shoe assembly.

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